

Licensing Consultation

To: Licensing Team

From: Noise and Nuisance Team

Name of Officer preparing representation: Jennifer Barrett

Date: 11th August 2022

Premises: Application for a Premises Licence District 22, 83 Mayes Road, Wood Green, London, N22 6UP. (WK/536749)

Type of application: **New**

I provide my Representation, as Responsible Authority under the Licensing Act 2003, with regard to the licensing objectives promoting the prevention of public nuisance and the prevention of crime and disorder.

Background

The premises known as District 22, 83 Mayes Road, N22 officially opened on the 13th May 2022. The premises was formerly operated as Areca from the 21st August 2020 and we have reason to believe the premises are connected with both the former owner and current applicant listed as Directors with Companies House for District 22 from the 21st April 2022.

The premises occupies a corner plot at the junction of Mayes Road and Coburg Road and comprises a three-storey detached building with a commercial premises at ground floor level operated a shisha bar and restaurant. The premises benefits from a retractable roof at the rear, a side exit on Coburg Road for emergency egress and main entrance on Mayes Road set back from the main road and separated by an external forecourt.

The premises is associated with a history of complaints about nuisance from loud music and voices, noise from patrons exiting the premises and the use of the premises unlawfully for licensable activities. The council logged 40 complaints about District 22 from 19th May 2022 to 6th July 2022 and from residents on Coburg Road. Prior to this the council logged a similar number of reports about the same issues associated with Areca.

The application is for permission to undertake licensable activities as the provision of recorded music and the supply of alcohol on premises from:

- Sunday to Thursday between 16:00 hours to 00:30 hours,
- Fridays and Saturdays 16:00 hours to 01:30 hours.

The terminal hour being 01:00 hours Sunday to Thursday and 02:00 hours on Fridays and Saturdays. I have reviewed the application and believe the provisions for addressing public nuisance and crime and disorder are inadequate.

Issues and concerns

1. The applicant has operated on numerous occasions in breach of the Licensing Act either by not applying for temporary permission or by exceeding the terms of Temporary Event Notices granted. We visited the premises in response a complaint on the July 2022 and confirmed they were operating unlawfully (they were found to be providing regulated entertainment after 11pm and permitting the supply of alcohol without a licence). We had previously received other reports of lock-ins.

2. We have substantiated complaints made by local residents about noise and nuisance from the use of the rear area at noise sensitive times such that music was audible at street level and sufficiently loud to disturb residents on Coburg Road.

3. We have recorded similar complaints about noise and nuisance from the premises when it was previously operated as Shisha bar and restaurant under the name of Areca Restaurant and prior to then Wen operated as the Duke of Edinburgh Public house.

Chronology of Key Events (District 22)

10/5/2022 – the agent for the applicant confirmed by email the premises would be operating as District 22. In response to an application for a TEN we imposed conditions relating to the use of the bar after 11pm and restricting the use of the area served by the retractable roof and limiting music to background only.

13/5/2022 – the council conducted a site visit to the premises to offer additional advice and confirm measures they would implement to limit the potential for public nuisance and crime and disorder. Confirmed protocol for addressing complaints, acceptable volumes for music, CCTV in place and operational and arrangements for security.

16/5/2022 - We received a complaint on Saturday regarding loud music at 0031: hours. We did not observe loud music but officers noted the premises was still open with 8 people inside who were drinking and smoking shisha, despite the TEN requiring closure at midnight. Further reminder issued that operating outside permissions and in breach of the Licensing Act is likely to affect future applications. The applicant advised those still on site were family members and confirmed they would ensure this did not occur again.

18/5/2022 – the council issued a further warning regarding complaints to the persons responsible for the premises. A further representation to refute this was made to the council which included details of measures they were implementing as per our agreement.

19/5/2022 – a report was logged with the council which included footage. Reporter advised that music was audible from the rear shisha despite an agreement the music would be maintained at background level. This was reported outside council operational hours so could not be substantiated.

1/7/2022 - Officers visited the premises in response to a noise complaint at 23:25hours. The premises appeared to be closed with the shutters of the front entrance down and premises unlit. On approach at the side entrance people noise and music could clearly be heard from inside premises. We were unable to gain entry to the premises for 30 minutes. Once we gained entry we estimated about 20 to 30 people inside (approximately 5 members of staff), who appeared to be drinking water or soft drinks. Although no alcohol (Corona Beer, Grey goose Vodka) was on display we found bottles underneath the bar area and in the rear kitchen. We left the premises at 00:21 hours after advising those responsible for the premises of our concerns and their inability to comply with the Licencing Act despite repeated warnings and advice given.

4/7/2022 – the premises confirmed they had advertised closing time of 11pm until further notice on social media. We have received no complaints about noise nuisance since.

Recommendations.

In the event a premises licence is granted specific consideration should be given to the hours of operation (restricted to those outlined in the planning permission granted for the premises), restricting the use of the rear area served by the retractable roof such that amplified music played is limited to background levels whilst it remains open and limiting the use of the front patio area such that it is subject to the same restrictions to safeguard amenity of residents.

I recommend the following conditions are added to the Licence:

Control Noise from Patrons

- Notices will be prominently displayed at the exit requesting patrons respect local residents and leave the area quietly.
- Staff and Door Supervisors shall actively monitor and control patrons queuing, leaving and entering the premises to ensure they leave the area quickly and quietly. Staff and Door Supervisors shall actively discourage loitering or waiting outside the premises after closing.
- The Licence Holder shall conduct regular assessments (externally and around the full perimeter) of the noise coming from the premises whilst it opens for business and shall take steps to reduce the level of noise where it is likely to cause a disturbance to local residents.
- A written record shall be made of those assessments in a logbook kept for that purpose and shall include, the time and date of the checks, the person making them and the results including any remedial action. This record must be made available at all times for inspection by council officers.

Controlling Noise Emissions

- The Licence Holder shall devise and implement fully a Noise Management Plan to be agreed in writing by the Noise and Nuisance Team. The Plan should detail all noise control measures to be implemented. This should be informed or devised by an expert in acoustics and provided no later than 28 days after the issues of the licence.
- Music played at the premises shall be limited to background level only until the approved noise control measures as outlined in the Noise Management Plan are implemented.
- All external doors, windows and the retractable roof shall be kept closed at any time when regulated entertainment is taking place.
- No nuisance shall be caused by noise coming from the premises or by vibration transmitted through the structure of the premises.
- All speakers should be mounted on anti-vibration mountings to prevent vibration transmission of sound energy to adjoining properties.
- The regulated entertainment licensable activity shall conclude 30 minutes before the premises is due to close to prevent excessive noise breakout as the premises empties.

Conclusion

I have no objections to the application on the proviso that the above conditions are applied to any Licence issued.